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DEPARTMENT OF STATE A/CDC/MR
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OFFICE OF THE ATTORNEY GENERAL
Department of Justice
STATE BUILDING, SAN FRANCISCO 94102
(415) 557-2544
(415) 557-1732

January 10, 1979

1979 JAN 16 PM 3 10
DEPARTMENT OF STATE
CONSULAR FINANCIAL SERVICES

Mr. Mike White
C.A. / O.C.S.
Room 4817
Department of State
Washington, D.C.

Re: People's Temple v. The Attorney General of the State of California

Dear Mr. White:

Pursuant to your telephonic request of January 10, 1979, I enclose the following documents:

(1) Amended Petition For Judicial Supervision Of Winding Up The Affairs Of People's Temple, A California Non-Profit Charitable Corporation, And The Distribution Of Its Assets.

(2) Petition For Instructions.

(3) Amended Order To Show Cause.

Please call me if I can be of any further assistance.

Very truly yours,

GEORGE DEUKMEJIAN
Attorney General

YEORYIOS C. APALLAS
Deputy Attorney General

YCA:ccb

Enclosures

CHARLES R. GARRY, Attorney at Law
GARRY, DREYFUS, McTERNAN, BROTSKY,
HERNDON & PESONEN, INC.
1256 MARKET STREET AT CIVIC CENTER
SAN FRANCISCO, CALIFORNIA 94102
TEL: 864-3131

Attorneys for Petitioner

ENDORSED
FILED
DEC 20 1978
CARL M. OLSEN, Clerk
BY D. FLANAGAN

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

PEOPLE'S TEMPLE OF THE DISCIPLES OF CHRIST, Petitioner, v. THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA, Respondent.	NO. 746571 AMENDED PETITION FOR JUDICIAL SUPERVISION OF WINDING UP THE AFFAIRS OF PEOPLE'S TEMPLE, A CALIFORNIA NON-PROFIT CHARITABLE CORPORATION, AND THE DISTRIBUTION OF ITS ASSETS [CORPORATIONS CODE §§ 1904 and 9801 AND FORMER § 4607]

COMES NOW PEOPLE'S TEMPLE OF THE DISCIPLES OF CHRIST, a California non-profit charitable corporation (hereinafter called the "petitioner"), and hereby petitions the above-entitled Court to take supervision over the voluntary winding up and dissolution of People's Temple of the Disciples of Christ, a California non-profit charitable corporation, and to make such orders and adjudge such matters concerning the winding up of the affairs of said corporation as may appear to the court necessary or desirable. In support of this petition, the petitioner alleges as follows:

1. This petition is pursuant to the provisions of sections 1904 and 9801 and former § 4607 of the Corporations Code.

2. EVELLE J. YOUNGER is the legally constituted Attorney General of the State of California and as such is charged with the general supervision of all charitable organizations within this State and with trust enforcement supervision over trustees and fiduciaries who hold or control property in trust for charitable and eleemosynary purposes. The Attorney General is a required party in any proceeding authorized pursuant to section 9801 of the California Corporations Code.

3. PEOPLE'S TEMPLE OF THE DISCIPLES OF CHRIST ("People's Temple" or "Corporation") is a California non-profit corporation created and existing under the California general non-profit corporation law, and has its principal place of business in the City and County of San Francisco.

4. People's Temple holds all of its assets and funds in trust for charitable purposes, its primary purpose being "to further the Kingdom of God by spreading the Word" and is exempt from taxation under section 23701(d) of the California Revenue and Taxation Code and section 501(c)(3) of the Internal Revenue Code of the United States. Copies of the Articles of Incorporation and all amendments thereto have been attached as Exhibit A to the original petition filed on December 4, 1978, in this proceeding.

5. PEOPLE'S TEMPLE is in the process of voluntarily winding up its affairs as evidence by the fact that on December

19, 1978 there was filed with the Office of the Secretary of State of California, a certificate stating that said corporation has elected to wind up its affairs and voluntarily dissolve. A copy of said certificate, certified by the Secretary of State of California, is attached to this petition as "Exhibit B" and by this reference is made a part hereof.

6. Court supervision over the process of the winding up and dissolution of said corporation is necessary and desirable by reason of the following facts:

(a) A substantial number of the Corporation's members died in the Jonestown tragedy on or about November 18, 1978. Because of these deaths, it is impossible for the Corporation to continue to operate as a church.

(b) The process of winding up and dissolving the Corporation will likely be long, procedurally complex and contentious. The assets of the Corporation are largely unknown to the existing directors. Statements in the press indicate that substantial corporate assets exist in the form of bank accounts in at least Panama, Switzerland and Rumania. The Corporation's potential liability from the potential claims of known

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and contingent creditors may be substantial.

(c) In addition the Corporation as of the date of the filing of this pending Petition is a named party in four lawsuits, a list and description of which is given in "Exhibit C" which is attached to this petition. The Corporation's potential liability from three of the four pending lawsuits, if they proceed to judgment against the Corporation, could be substantial. Furthermore, one of the directors, Jean Brown, is named co-defendant in a suit (action #739907 in this Court) against the Corporation. Another co-defendant appears to be related to a director, and a director is a co-plaintiff with the Corporation in action no. 740531 in this Court. The fact that directors are named may create irreconcilable conflicts of interest.

(d) The Corporation's directors and Charles R. Garry of Garry, Dreyfus, McTernan, Brotsky, Herndon & Pesonen, Inc., which has represented the Corporation as well as a number of its directors, officers, and members, may be called as witnesses in pending grand jury investigations into the death of Congressman Leo Ryan and into the deaths at Jonestown. They may also be called as witnesses in criminal proceedings, if any, arising out of the said investigations and as witnesses in pending and future, if any, civil actions by and against the Corporation.

(e) Substantial disputes will arise as to who is entitled to the distribution of the Corporation's assets remaining on dissolution.

7. The facts alleged in paragraph 6 make it impractical for the Corporation to proceed to an orderly and expeditious winding up and dissolution of its affairs absent court supervision thereof. In addition, it appears from these allegations that the court should take jurisdiction over the winding up and dissolution of People's Temple in order to protect the interests of the People of the State of California as the ultimate charitable beneficiaries of the assets of People's Temple.

WHEREFORE, petitioners pray as follows:

1. That the Court give and make its order to persons interested in People's Temple, as creditors, trustees, constructive trustees or any other manner, as the Court deems proper, requiring them to appear before the Court at the time and place appointed, then and there to show cause why the Court should not make orders, and adjudge as to any and all matters concerning the winding up and dissolution of People's Temple including all matters set forth and permitted in section 1904 and former section 4607 of the Corporations Code.

2. That the Court give and make its order prescribing what notice shall be given to such persons interested in People's Temple as creditors, trustees, constructive trustees or in any other manner.

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3. That on the hearing of the order to show cause this Court give and make its order and decree that it has assumed jurisdiction over the winding up of the affairs of People's Temple, including all matters contained in section 1904 and former section 4607 of the Corporations Code; including an order for the filing of claims by creditors within such time and at such place and in such manner as the Court shall direct.

4. That the Court order that any and all charitable organizations, exempt from taxation under section 501(c)(3) of the Internal Revenue Code, which desire to be named as distributees of the assets of People's Temple, pursuant to the winding up and dissolution of People's Temple under Corporations Code §§ 1904 and former § 4608 1807 shall file with the Court and with the Office of the California Attorney General - Charitable Trust Unit, on or before April 30, 1979 a written proposal for maintenance, operation and utilization of People's Temple assets as in a manner consistent with the terms of the trust. That all said organizations shall, in addition, file a current financial statement, signed and verified by an officer, director, or trustee of the organization under penalty of perjury, demonstrating the financial ability of said organization to carry out its proposed plan of operation. Failure of any organization to hold a 501(c)(3) exemption and/or to file the above-required proposal and financial statement shall preclude any distribution of People's Temple assets to said organization.

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5. That the Court authorize the Office of the California Attorney General to investigate and audit, to the full extent deemed necessary by the Office of the California Attorney General, all organizations, including the directors, officers and members thereof, applying for distribution of any People's Temple assets attendant to this proceeding. That the Office of the California Attorney General shall submit to the Court, on or before June 30, 1979 its recommendation(s) for distribution of the People's Temple assets in a manner consistent with the terms of the trust.

6. That the Court set for hearing, upon receipt of the aforementioned proposals, reports, statements and recommendations, this petition for distribution of the charitable assets of People's Temple, pursuant to Corporations Code section 1904 and 1906 and former § 4809 order the distribution of said assets of People's Temple in a manner consistent with the terms of the trust thereon.

7. That the Court stay the prosecution of any and all lawsuits presently pending to which People's Temple is a named party including those listed in Exhibit C, and require all parties to those actions to present and prove their claims in the manner required of other creditors.

8. That the surviving directors of the Corporation file with this court within ten days of this order an inventory of the assets and liabilities of People's Temple and thereafter to file intermediate and final accounts as the Court or the Attorney General may require.

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9. That the surviving directors be ordered to sell at public or private sale all the assets of the Corporation for cash in an amount deemed reasonable by the board and subject to court approval.

10. For such further relief as the Court deems proper.

DATED: December 20 1978

GARRY, DREYFUS, MCTERNAN, BROTSKY, HERNDON & PESONEN, INC.

By Charles R Garry
CHARLES R. GARRY
Attorneys for Petitioner

SAN FRANCISCO, CALIFORNIA 94102
TEL: 861-3131

VERIFICATION

I, JEAN BROWN, am a Director and Assistant Secretary of the petitioner in the above entitled action.

I have read the foregoing AMENDED PETITION FOR JUDICIAL SUPERVISION OF WINDING UP THE AFFAIRS OF PEOPLE'S TEMPLE and know the contents thereof; and the same is true of my own knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters I believe it to be true.

I declare under penalty of perjury the foregoing is true and correct. Executed on December 20, 1978 at San Francisco, California

Jean F. Brown

JEAN F. BROWN

SAN FRANCISCO, CALIFORNIA 94102
TEL: 864-3131

EXHIBIT C

These are the lawsuits to which Petitioner is a party. An asterisk by the name of a party indicates that the person is believed to be dead.

Cobb v. People's Temple, Jones*, Buford, Brown, Moton*, and Does 1-50--San Francisco Superior Court No. 739 907. This is an action for multi-million dollar damages for intentional infliction of emotional distress and libel. To the best of Petitioner's knowledge, only Petitioner has been served or has appeared. An answer has not been filed. The last activity in the case was the overruling of a demurrer.

Medlock v. Jones*, People's Temple, Nelson*, Enola Nelson Realty, Fortsyn, McElvane*, and Does 1-50--Los Angeles Superior Court No. C243292. This is an action for multi-million dollar damages for conversion and intentional infliction of emotional distress. To the best of Petitioner's knowledge, only Petitioner and McElvane have been served or have appeared. An answer has not been filed. The last activity in the case was the denial of a petition for writ of mandate (for change of venue) by the Court of Appeal on November 6, 1978.

Katsaris v. Jones*, Bradshaw, People's Temple, Adams, Beck, Stahl*, and Does 1-48--Mendocino Superior Court No. 39911. This is an action for multi-million dollar damages for libel and slander. To the best of Petitioner's knowledge, only Petitioner has been served or has appeared. An answer has not been filed. The last activity in the case was the denial of a petition for writ of mandate (for change of venue) by the Court of Appeal on November 6, 1978.

People's Temple, Brown and McElvane* v. Stoen--San Francisco Superior Court No. 740 531. This is an action for multi-million dollar damages and for an injunction restraining the defendant from representing plaintiffs in actions against the Petitioner. The complaint has been answered. The last activity in the case was the denial of a motion for preliminary injunction.

State of California

OFFICE OF THE SECRETARY OF STATE

I, *MARCH FONG EU*, Secretary of State of the State of California, hereby certify:

That the annexed transcript has been compared with the record on file in this office, of which it purports to be a copy, and that same is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this

DEC 19 1978

March Fong Eu

Secretary of State

ENDORSED
FILED
In the office of the Secretary of State
of the State of California
DEC 19 1978
MARCH FONG EU, Secretary of State
By BILL HOLDEN
Deputy

CERTIFICATE OF ELECTION TO WIND UP AND DISSOLVE

We, Jean Brown, June Crym, Don Beck, Vera Young and Dennis Allen, declare:

1. Peoples Temple of the Disciples of Christ is a California nonprofit corporation.

2. The present voting members of the corporation, constituting six of the seven voting members authorized by the By-Laws of the corporation, are: Jean Brown, June Crym, Don Beck, Lee Inghram, Vera Young and Dennis Allen. They are also the directors of the corporation.

3. Five of the six voting members and directors were present at a special meeting held at San Francisco December 4, 1978.

4. The corporation has elected to wind up and dissolve.

5. The election was made by vote of the voting members, who also consented thereto in writing. Five of the six voting members entitled to vote on or consent to the election voted in favor of the election and have consented in writing thereto.

6. This certificate is executed by five of the six voting members of the corporation, constituting more than 50 per cent of the voting power.

We declare the foregoing to be true and correct, under penalty of perjury.

Executed at San Francisco, California, December 15, 1978.

Jean Brown
JEAN BROWN

June Crym
JUNE CRYM

Don Beck (G. Donald Beck)
DON BECK (G. DONALD BECK)

Vera L. Young
VERA YOUNG

Dennis K Allen
DENNIS ALLEN

CHARLES R. GARRY
GARRY, DREYFUS, McTERNAN, BROTSKY,
HERNDON & PESONEN, INC.
1256 MARKET STREET AT CIVIC CENTER
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TEL: 864-3131

Attorneys for Petitioner

ENDORSED
FILED
San Francisco County Superior Court
DEC 20 1978
CARL M. OLSEN, Clerk
By ... Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

PEOPLE'S TEMPLE OF THE DISCIPLES OF CHRIST, Petitioner, vs. THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA, Respondent.	NO. 746 571 PETITION FOR INSTRUCTIONS

Petitioner, in view of the difficulties outlines in Paragraph 6 of the Amended Petition for Judicial Supervision, respectfully requests instructions on the following matters:

1. Whether Petitioner or an independent receiver to be appointed by the Court should conduct the proceedings necessary to wind up, settle the affairs of, and dissolve Petitioner.

2. Whether Petitioner should retain the law firm of Garry, Dreyfus, McTernan, Brotsky, Herndon & Pesonen, Inc. as its counsel in this proceeding at reasonable compensation to be

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fixed by the Court.

Dated: December 10, 1978

GARRY, DREYFUS, McTERNAN, BROTSKY,
HERNDON & PESONEN, INC.

By Charles R. Garry
CHARLES R. GARRY

VERIFICATION

I, JEAN [illegible] am petitioner in the above entitled action. I have read the foregoing Petition for Instructions and know the contents thereof; and the same is true of my own knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct. Executed December 20, [illegible] at San Francisco, California 94102.

JEAN [illegible]

HERNDON & PESONEN, INC.
1236 MARKET STREET AT CIVIC CENTER
SAN FRANCISCO, CALIFORNIA 94102
TEL: 864-3131

ENDORSED
FILED
San Francisco County Superior Court
DEC 20 1978
CARL M. OLSEN, Clerk
BY _____ Deputy Clerk

CHARLES R. GARRY
GARRY, DREYFUS, McTERNAN, BROTSKY,
HERNDON & PESONEN, INC.
1256 MARKET STREET AT CIVIC CENTER
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TEL: 864-3131

Attorneys for Petitioner

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

PEOPLE'S TEMPLE OF THE DISCIPLES OF CHRIST,

Petitioner,

vs.

THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,

Respondent.

NO. 746 571

AMENDED
ORDER TO SHOW CAUSE

TO ALL MEMBERS, CREDITORS, CLAIMANTS, TRUSTEES, CONSTRUCTIVE TRUSTEES and OTHER INTERESTED PERSONS:

YOU ARE ORDERED to appear in Department Nine of this Court, located at City Hall, San Francisco, California, on January 23, 1979, at 2:00 p.m., then and there to show cause why the petition for supervision by this court over the voluntary winding up of People's Temple of the Disciples of Christ, a California non-profit corporation, filed herein by said corporation, should not be granted.

This order, together with copies of the Amended Petition for Judicial Supervision Upon Winding Up and Dissolution, shall be served on each member, trustee and constructive trustee, and each known creditor and claimant of said corporation by placing true copies thereof enclosed in a sealed envelope with postage thereon fully prepaid, in a United States Post Office mail box, addressed to the last known address of each such person, as shown on the records of the corporation, at least seven days prior to the date set for the above hearing. Said notice so served on the above-named persons shall be deemed to be the notice required pursuant to Section 1903 and former Section 4605 of the California Corporations Code.

It is further ordered that further notice of the said hearing be given by publication as hereinafter set forth once in the San Francisco Chronicle, the San Francisco Examiner, the Oakland Tribune, the Los Angeles Times, the Los Angeles Herald Examiner, the Washington Post, the Sacramento Bee, the Ukiah Daily Journal, the San Diego Union and the New York Times, and by publication once a week for three weeks in the San Francisco Recorder, the San Francisco Sun Reporter, the Los Angeles Daily Journal and the Los Angeles Sentinel, all of said publications to be made prior to the date of the said hearing. The material to be published as aforesaid to constitute the said further notice shall read as follows:

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SAN FRANCISCO, CALIFORNIA 94102
TEL: 864-3131

"SUPERIOR COURT OF THE STATE OF CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO

PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST,

Petitioner,

v.

ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,

Respondent.

NO. 764571

AMENDED ORDER TO SHOW CAUSE.

TO ALL MEMBERS, CREDITORS, CLAIMANTS, TRUSTEES, CONSTRUCTIVE TRUSTEES AND OTHER INTERESTED PERSONS:

YOU ARE ORDERED to appear in Department Nine of this Court, located at City Hall, San Francisco, California, on January 23, 1979, at 2:00 p.m., then and there to show cause why the petition for supervision by this Court over the voluntary winding up of Peoples Temple of the Disciples of Christ, a California non-profit corporation, filed herein by said corporation, should not be granted.

DATED: December 26, 1978.

FRANCIS W. MAYER

JUDGE OF THE SUPERIOR COURT "

It is further ordered that the Order to Show Cause dated December 20, 1978, and filed herein December 21, 1978, is hereby vacated, on the Court's own motion.

DATED: December 26, 1978.

JUDGE OF THE SUPERIOR COURT